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June 8, 1995

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FEDERAL COMMUNICATIONS COMMISSION
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Local Multipoint Distribution Service (LMDS) CC Docket No. 92-297

The Alliance for Distance Education in California (ADEC), one of the Public Interest Parties represented in the LMDS Negotiated Rulemaking Committee (NRMC), can support the May 31, 1995 revised proposed band segmentation (copy enclosed) which would allocate 850 MHz to LMDS as primary operator and 150 MHz as co-primary with a low earth orbit (LEO) operator if the educational use of this spectrum is also provided for by either an auction bidder credit for educational participation or an educational and public telecommunications spectrum set aside as delineated in NRMC Document 111 (copy enclosed) which was presented by the Public Interest Parties, The University of Texas System and Rio Vision of Texas, Inc.)

Although ADEC would prefer a full 2 GHz allocation of 28 GHz spectrum to LMDS, we can support this 1 GHz allocation because it provides contiguous spectrum at 28 GHz and could allow the rapid finalization of LMDS rules and timely licensing and implementation of LMDS systems which could benefit educators and public telecommunications entities.

Sincerely,

Elizabeth Rhodes

Elizabeth Rhodes
President
ADEC

Enclosures: 5/31/95 Revised 28 GHz Band Segmentation Plan and NRMC111

cc: Michael Gardner for the Joint Parties

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List A B C D E

NRMC III

**RECOMMENDATIONS FOR ASSURANCE OF ACCESS BY EDUCATIONAL
AND PUBLIC TELECOMMUNICATIONS ENTITIES IN THE EVENT THAT
SPECTRUM AUCTIONS ARE USED FOR AWARD OF LMDS LICENSES**

If the Federal Communications Commission concludes that auctions should be used to allocate spectrum among LMDS operators, fixed satellite service operators and mobile satellite service operators in the 27.5 to 29.5 GHz band, any auction regulations the Commission promulgates must provide for educational use of this spectrum by non-profit educational and public telecommunications entities. There are several methods by which educational participation in LMDS auction assigned licenses could be encouraged. For example, the Commission could use the following methods:

1) Bidder credit equal to the percentage of spectrum operated by the educational and public telecommunications entity, and/or

2) Educational and public telecommunications spectrum set aside.

Other possible methods, such as a reservation of a sufficient amount of spectrum for use by educational or public telecommunications entities at preferential, incremental cost-based rates, could also assure the necessary access. Use of such methods would encourage educational and public telecommunications entities to develop beneficial educational use of the LMDS technology.

1) Commercial bidder credit equal to percentage of educational and public telecommunications entity operations

The Commission could grant a commercial bidder in the LMDS license auction a credit on its auction bid amount equal to the percentage of noncommercial spectrum that a non-profit educational or public telecommunications entity would operate on an LMDS system constructed by the commercial bidder. This would encourage LMDS applicants to make cooperative operational arrangements with educational and/or telecommunications institutions. For example, if an educational entity had an agreement with an LMDS commercial applicant for the educational entity to operate 40% of the spectrum, then the Commission could give that commercial bidder a 40% credit, which would result in the LMDS commercial operator having to pay the Commission 60% of the winning bid amount.

2) Educational and public telecommunications spectrum set aside

The Commission could allocate only one commercial LMDS license to be granted by auction for 1000 MHz of the LMDS spectrum in each Rand McNally Basic Trading Area (BTA) and could set aside 1000 MHz of spectrum

in each BTA to be operated by an educational or public telecommunications entity to disseminate educational information and programs. To encourage rapid implementation of educational LMDS systems, the Commission could allow the educational and public telecommunications entities to develop excess airtime capacity leasing agreements. These leasing agreements would allow a portion of the educational spectrum to be leased either to the winner of the commercial LMDS auction for that BTA, or to another company that would be interested in operation cooperatively on the educational spectrum in the BTA with an educational or public telecommunication entity.

Conclusion

The Public Interest Parties strongly urge the Commission to adopt one or both of the alternatives or a similar method to encourage educational participation in the LMDS if the Commission decides to auction the LMDS spectrum. Without an incentive plan, such as the above, educational participation in this innovative service could be blocked either because of the prohibitive expense of the auction bidding process or because, in some jurisdictions, educational and public telecommunications entities may be prohibited from expending public funds on spectrum auctions.

Willi Bokenkamp
University of California
for the Public Interest Parties
of the LMDS Negotiated Rulemaking Committee

Steve Copold
for the University of Texas System
and RioVision of Texas, Inc.

Joint Parties 28 GHz Proposal

REVISED 6/3/95

27.5-28.0	28.0-28.35	28.35-28.5	28.5-28.85	28.85-29.1	29.1-29.25	29.25-29.5	29.5-30.0
LMS (Primary)	LMS (Primary)	LMS LEO (Co-primary) ¹	LEO (Primary)	GEO (Primary)	MSS (Secondary)	MSS (Secondary/TTW) ²	GEO (Primary)
GEO or LEO (Secondary) ²	GEO or LEO (Secondary) ²		LMS (Secondary) ²	LMS (Secondary) ²		LMS (Secondary) ²	

GEO = Hughes, Loral, etc.
 LEO = Teledesic

¹The United States, 27.5-28.0, 28.0-28.35 and 28.35-28.5, will be auctioned individually, but can be aggregated by a single licensee. The 28.35-28.5 block, however, also is available to LEO on a co-primary basis.

²Secondary services permissible to the extent they do not cause harmful interference to primary services. Moreover, the secondary service cannot be operational before a fixed date when the primary service is expected to be operational.